



APPLICATION FOR JUDICIAL OFFICE

***Instructions to the applicant and
summary of the nomination process***

I. INSTRUCTIONS FOR OBTAINING APPLICATION FORM

The application form, waiver form, and summary of instructions are available on the Courts' web page at <http://courtlink.utcourts.gov/jobs>. The application form, waiver form, and summary of instructions are also available in the formats listed below. In all requests for an electronic file, be sure to designate the required format and include a return internet e-mail address. You are urged to request the electronic file by internet e-mail which will automatically provide the return e-mail address.

The request for the electronic file may also be sent by letter or fax. If you wish the electronic file on disk, you must provide a formatted disk which can be hand delivered or mailed. If mailed, include a disk mailer with return address and postage prepaid.

WordPerfect 5.x
Word Perfect 6.x
Microsoft Word 5.x
Microsoft Word 6.x

Please make requests to: marilysm@email.utcourts.gov.
Marilyn Smith, Judicial Nominations
Administrative Office of the Courts
450 S. State Street, P.O. Box 140241
Salt Lake City, UT 84114-0241
FAX: 578-3843

The application form, waiver forms and these instructions are also available in all of the above formats to subscribers of the Utah State Court Bulletin Board.

II. INSTRUCTIONS FOR COMPLETING APPLICATION FORM

- A. Type all answers. Do not include these instructions with the completed application form.
- B. When preparing responses on a typewriter, if more space is needed, attach additional pages to the end of the application form and type the corresponding question number next to the information.
- C. When preparing responses on a word processor, include all information immediately after the question and allow the word processor to repaginate the document.
- D. Answer all questions completely. If a question does not apply, write "Not applicable" in the space provided. If information is not available, write "Not available" and state your reasons for the unavailability.

- E. Following is a checklist of materials to be submitted with the application. Please copy materials on both sides of the page on three hole paper.

- Application form with an original signature plus eight copies of the application form, including any supplemental pages. (If you have applied for a judicial position within the previous year, you may either submit a new application package or you may submit nine copies of the application form you completed for the previous position with a letter of interest indicating 1) the vacancy for which you are currently applying and 2) any additional information necessary to update the previous application.) If you resubmit an earlier application with a letter of interest, you must submit the balance of the application package as follows:
- A resume attached to each application form.
- The waiver of the right to review the records of the commission.
- The waiver of confidentiality of records.
- A check or money order for \$8.70 made payable to the Administrative Office of the Courts to cover the cost of a credit check.
- If you are simultaneously applying for more than one judgeship, you must submit a separate application package for each position; however, only one check or money order is necessary.

- F. Mail applications to: Administrative Office of the Courts
Attention: Judicial Nominations
Scott M. Matheson Courthouse
P.O. Box 140241
Salt Lake City, Utah 84114-0241 **OR**

Hand deliver to: 450 South State Street, Suite N31

Since the Administrative Office of the Courts cannot be responsible for applications not received, please send applications by registered or certified mail, return receipt requested. Upon receipt, the application will be reviewed for completeness. A notice of receipt listing any deficiencies in the application materials will be sent to you within 5 days. An application is not considered unless all deficiencies are corrected before the expiration of the filing deadline. If you do not receive an acknowledgment of receipt of your application within 5 days, contact Marilyn Smith at 578-3824 to ensure that your application has been received.

- G. The deadline for applications is stated in the published notice of vacancy. The notice of the vacancy allows for an application period of at least 30 days from initial release for publication. It may, however, be longer. At the discretion of the Nominating Commission, the application period may be reopened after the deadline has passed. If fewer than 9 applications are received for a judicial vacancy, the recruitment period will be extended for an additional 30 days.

III. SUMMARY OF THE NOMINATION PROCESS

Instructions

- A. The date, time, and location of the organizational meeting of the Nominating Commission will normally be given in the notice of the vacancy. The public is invited to attend and may arrange through the Administrative Office of the Courts to submit oral or written statements. Testimony concerning individual applicants or cases is prohibited.
- B. An investigation of the applicants is conducted by the Administrative Office of the Courts and the results are submitted to the Commissioners. The Commissioners may conduct their own investigation. The scope of the investigation may include, but is not limited to, citizenship, residency, age, credit, taxes, education, employment, mental or physical health, civil litigation, criminal litigation, law enforcement investigation and criminal charges, admission to the practice of law, service in the United States' armed forces, or disciplinary action by any judicial conduct commission or state bar association of any jurisdiction.
- C. Applicants should not personally contact Nominating Commission members regarding their application for the judicial vacancy.
- D. Applicants selected for interviews are notified of the date, time, location, and format of the interview. Applicants eliminated from consideration are notified as soon as possible after that decision is made.
- E. Applicants are evaluated on the basis of several criteria: integrity, impartiality, industry, legal knowledge and ability, judicial temperament, financial responsibility, health, and public service.
- F. The Commission publishes the names of the proposed nominees and invites comments regarding their qualifications. The names of applicants may be provided to other persons as necessary to accomplish the investigation but are not released to the public. The application package of the nominees and the results of any investigation are forwarded to the Governor. The results of the investigation are not disclosed to the public. The Commission may disclose the investigation results to the appropriate investigative or prosecutorial authorities if the investigation reveals criminal activity or a breach of ethics by an applicant.
- G. The names of five to seven nominees are submitted to the Governor for each vacancy on the Supreme Court and Court of Appeals. The names of three to five nominees are submitted to the Governor for each vacancy on the trial courts of record. The nominees are listed in alphabetical order without any indication of preference by the Commissioners and, if there are multiple vacancies, without any matching between nominees and vacancies. The greater number of applicants are nominated:
 - 1. if at least 15 people apply for the vacancy and the greater number obtain the necessary votes for nomination; or
 - 2. if there is a tie vote among the final two nominees.
- H. Applications may be considered by Commissioners who have a business, professional, or personal relationship to the applicant. Commissioners must recuse themselves if they are within the third degree of consanguinity. For other relationships, Commissioners are required to disclose on the record of the Commission the nature of the relationship. The Commission by majority vote determines whether the relationship requires the recusal of the Commissioner.

IV. EVALUATION CRITERIA

A. Constitutional and Statutory Minimum Requirements

Age. Under Article VIII, Section 7 of the Utah Constitution, Supreme Court justices must be at least 30 years old, and judges of other courts of record must be at least 25 years old.

Residency. All justices and judges must be United States citizens. Supreme Court justices must be Utah residents for at least five years immediately preceding selection. Judges of other courts of record must be residents of Utah for at least three years immediately preceding selection. If geographic divisions are provided for any court, judges of that court must be willing to reside in the geographic division for which they are selected. Currently, the law provides for geographic divisions for the district and juvenile courts. There are no geographic divisions for the Supreme Court or the Court of Appeals.

Practice of Law. Under the Constitution, all justices and judges must be admitted to practice law in Utah, but need not actually engage in the practice of law.

Restricted Activities. Under the Constitution, justices and judges may not hold any elective nonjudicial public office, or hold office in a political party. Section 78-7-2 of the Utah Code establishes further restrictions on the activity of judges.

“No justice or judge of any court of record may, during his term of office:

- (1) practice law or have a partner engaged in the practice of law;
- (2) hold office in or make any contribution to any political party or organization engaged in political activity; or
- (3) use, in his efforts to obtain or retain judicial office, any political party designation, reference or description.”

B. Qualities of Judges

Evaluation criteria are essential if the Commission is to have a standard by which to judge applicants. Without evaluation criteria, the nomination process becomes little more than a contest of personal favorites among the commissioners. Yet evaluation criteria contain some bias. A criterion that emphasizes trial experience may overlook qualified applicants who are not litigators. A criterion that emphasizes a history of professional advancement may overlook qualified women and minorities who face greater obstacles to advancement. Commissioners should determine prior to the screening or interviewing of applicants how they personally want to weigh the various criteria. However, one criterion is clearly constitutionally impermissible in Utah: political party affiliation. Both the Judicial Article and the Utah Code state that *“selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration.”*

The following criteria for evaluating applicants are derived from the American Bar Association's Guidelines for Reviewing Qualifications of Applicants for State Judicial Office, which offer some guidance for determining “fitness for office.” Following the ABA guidelines are some additional considerations.

1. American Bar Association Guidelines

a. Introduction

Instructions

These guidelines are intended for use by bar association committees and judicial nominating commissions which are evaluating applicants for state and local judicial office. It is assumed that the evaluators desire to recommend to the electorate or to the appointing authority the applicants who are most qualified by virtue of merit.

The guidelines attempt to identify those characteristics to be sought after in the judicial applicants. They attempt to establish criteria for the prediction of successful judicial performance. The identified traits are not mutually exclusive and cannot be wholly separated one from another. The outlined areas have been selected as essential for inquiry in considering all applicants for judicial office. With the exception of integrity, which is always indispensable, the degree to which the characteristics should be present in any particular applicant may vary in relation to the responsibility of the office.

These guidelines are not intended to deal with methods or procedures for judicial selection; nor are they intended to provide specific operating rules for the commissions and committees. The guidelines are not intended as a definitive review of the qualifications of sitting judges when being considered for retention or evaluation, since judicial experience will then provide important additional criteria which are treated elsewhere.

It is hoped that the use of these guidelines, if made known to the public and the press, will enhance the understanding and respect to which the judiciary is entitled in the community being served. The ultimate responsibility for selecting the judiciary is in the appointing power of any given judicial system. The function of these guidelines is to present minimum criteria for appointment; the more rigorous the criteria the better the quality of the judiciary.

- b. Integrity.** An applicant should be of undisputed integrity. The integrity of the judge is, in the final analysis, the keystone of the judicial system; for it is integrity which enables a judge to disregard personalities and partisan political influences and enables him or her to base decisions solely on the facts and the law applicable to those facts. It is, therefore, imperative that a judicial applicant's integrity and character with regard to honesty and truthfulness be above reproach. An individual with the integrity necessary to qualify must be one who is able, among other things, to speak the truth without exaggeration, admit responsibility for mistakes and put aside self-aggrandizement. Other elements demonstrating integrity are intellectual honesty, fairness, impartiality, ability to disregard prejudices, obedience to the law and moral courage.

An applicant's past personal and professional conduct should demonstrate consistent adherence to high ethical standards. The evaluator should make inquiry of judges before whom the applicant has appeared and among other members of the bar as to whether or not an applicant's representations can be relied upon. An applicant's disciplinary record, if any, should be considered. Hence, an applicant should waive any privilege of confidentiality, so that the appropriate disciplinary body may make available to the evaluator the record of disciplinary sanctions imposed and the existence of serious pending grievances. The reputation of the applicant for truthfulness and fair dealing in extra-legal contexts should also be considered. Inquiry into an applicant's prejudices that tend to disable or demean others is relevant. However, since no human being is completely free of bias, the

Instructions

important consideration is that of whether or not the applicant can recognize his or her own biases and set them aside.

- c. **Legal Knowledge and Ability.** An applicant should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations.

Legal knowledge may be defined as familiarity with established legal principles and evidentiary and procedural rules. Legal ability is the intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion. Legal ability connotes also certain kinds of behavior by the judge such as the ability to reach concise decisions rapidly once he or she is apprised of sufficient facts, the ability to respond to issues in a reasonably unequivocal manner and to quickly grasp the essence of questions presented.

Legal knowledge and ability are not static qualities, but are acquired and enhanced by experience and the continual learning process involved in keeping abreast of changing concepts through education and study. While an applicant should possess a high level of legal knowledge, and while a ready knowledge of rules of evidence is of importance to judges who will try contested cases, an applicant should not normally be expected to possess expertise in any particular substantive field. More important is the demonstration of an attitude reflective of willingness to learn the new skills and knowledge which will from time to time become essential to a judge's performance and of a willingness to improve judicial procedure and administration.

A review of an applicant's academic distinctions, participation in continuing legal education forums, legal briefs and other writings and reputation among judges and professional colleagues who have had first-hand dealings with the applicant will be helpful in evaluating knowledge and ability.

- d. **Professional Experience.** An applicant should be a licensed, experienced lawyer. An applicant should be admitted to practice law in the jurisdiction. The length of time that a lawyer has practiced is a valid criterion in screening applicants for judgeships. Such professional experience should be long enough to provide a basis for the evaluation of the applicant's demonstrated performance and long enough to ensure that the applicant has had substantial exposure to legal problems and the judicial process.

It is desirable for an applicant to have had actual trial experience, as an attorney, a judge or both, beyond general litigation experience. This is particularly true for an applicant for the trial bench.

The extent and variety of an applicant's experience should be considered in light of the nature of the judicial vacancy that is being filled. Although substantial trial experience is desirable, other types of legal experience should also be carefully considered. An analysis of the work performed by the modern trial bench indicates that, in addition to adjudication, many judges perform substantial duties involving administration, discovery, mediation and public relations. A private practitioner who has developed a large clientele, a successful law teacher and writer, or a successful corporate, government or public interest attorney all may have experience which will

Instructions

contribute to successful judicial performance. Outstanding persons with such experience should not be deemed unqualified solely because of lack of trial experience. The important consideration is the depth and breadth of the professional experience and the competence with which it has been performed, rather than the applicant's particular type of professional experience.

For an applicant for the appellate bench, professional experience involving scholarly research and the development and expression of legal concepts is especially desirable.

- e. **Judicial Temperament.** An applicant should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding.

Judicial temperament is universally regarded as a valid and important criterion in the evaluation of an applicant. There are several indicia of judicial temperament which, while premised upon subjective judgment, are sufficiently understood by lawyers and non-lawyers alike to afford workable guidelines for the evaluator.

Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility. Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires an ability to deal with counsel, jurors, witnesses and parties calmly and courteously, and the willingness to hear and consider the views of all sides. It requires the ability to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident, yet not egocentric. Because of the range of topics and issues with which a judge may be required to deal, judicial temperament requires a willingness and ability to assimilate data outside the judge's own experience. It requires, moreover, an even disposition, buttressed by a keen sense of justice which creates an intellectual serenity in the approach to complex decisions, and forbearance under provocation. Judicial temperament also implies a mature sense of proportion; reverence for the law, but appreciation that the role of law is not static and unchanging; understanding of the judge's important role in the judicial process, yet recognition that the administration of justice and the rights of the parties transcend the judge's personal desires. Judicial temperament is typified by recognition that there must be compassion as the judge deals with matters put before him or her.

Factors which indicate a lack of judicial temperament are also identifiable and understandable. Judicial temperament thus implies an absence of arrogance, impatience, pomposity, loquacity, irascibility, arbitrariness or tyranny. Judicial temperament is a quality which is not easily identifiable, but which does not wholly evade discovery. Its absence can usually be fairly ascertained.

Wide-ranging interviews should be undertaken to provide insight into the temperament of a judicial applicant.

- f. **Diligence.** An applicant should be diligent and punctual. Diligence is defined as a constant and earnest effort to accomplish that which has been undertaken. While diligence is not necessarily the same as industriousness, it does imply the elements of constancy, attentiveness, perseverance, and assiduousness. It does imply the

Instructions

possession of good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

Punctuality should be recognized as a complement of diligence. An applicant should be known to meet procedural deadlines in trial work and to keep appointments and commitments. An applicant should be known to respect the time of other lawyers, clients and judges.

- g. Health.** An applicant should be in good health. Good health embraces a condition of being sound in body and mind relative to the extraordinary decision making power vested in judges. Physical handicaps and diseases which do not prevent a person from fully performing judicial duties will not be a cause for rejection of a candidate. However, any serious condition which would affect the candidate's ability to perform the duties of a judge may be further investigated by the evaluator. The evaluator may require a candidate to provide a physician's written report of a recent thorough medical examination addressing the condition of concern.

Good health includes the absence of erratic or bizarre behavior which would significantly affect the candidate's functioning as a fair and impartial judge. Addiction to alcohol or other drugs is of such an insidious nature that the evaluator should affirmatively determine that a candidate does not presently suffer from any such disability.

The ability to handle stress effectively is a component of good mental health. A candidate should have developed the ability to refresh himself or herself occasionally with non-work-related activities and recreations. A candidate should have a positive perception of his or her own self-worth, in order to be able to withstand the psychological pressures inherent in the task of judging.

The evaluator should give consideration to the age of a candidate as it bears upon health and upon the number of years of service that the candidate may be able to perform.

- h. Financial Responsibility.** An applicant should be financially responsible. The demonstrated financial responsibility of an applicant is one of the factors to be considered in predicting the applicant's ability to serve properly. Whether there have been any unsatisfied judgments or bankruptcy proceedings against an applicant and whether the applicant has promptly and properly filed all required tax returns are pertinent to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality.
- i. Public Service.** Consideration should be given to an applicant's previous public service activities.

Participation in public service and pro bono activities adds another dimension to the qualifications of the applicant. The degree of participation in such activities may indicate social consciousness and consideration for others. The degree to which bar association work provides an insight into the qualifications of the applicant varies in each individual. Significant and effective bar association work may be seen as a favorable qualification.

Instructions

The rich diversity of backgrounds of American judges is one of the strengths of the American judiciary, and an applicant's non-legal experience must be considered together with the applicant's legal experience. Experience which provides an awareness of and a sensitivity to people and their problems may be just as helpful in a decision making process as a knowledge of the law. There is, then, no one career path to the judiciary. A broad, non-legal academic background, supported by varied and extensive non-academic achievements are important parts of an applicant's qualifications. Examples of such non-legal experience are involvement in community affairs and participation in political activities, including election to public office. The most desirable applicant will have had broad life experiences.

There should be no issue-oriented litmus test for selection of an applicant. No applicant should be precluded from consideration because of his or her opinions or activities in regard to controversial public issues. No applicant should be excluded from consideration because of race, creed, sex or marital status.

While interviews of applicants may touch on a wide range of subjects in order to test an applicant's breadth of interests and thoughtfulness, the applicant should not be required to indicate how he or she would decide particular issues that may arise on litigated cases. However, an applicant's judicial philosophy and ideas concerning the role of the judicial system in our scheme of government are relevant subjects of inquiry.

2. **Other Considerations for Qualification** - In addition to the ABA guidelines, the commissioners may wish to consider the following in analyzing the qualifications of an applicant for judicial office.
 - a. **Impartiality.** A judge must be able to determine the law and sometimes the facts of a dispute objectively and impartially. Applicants should be challenged on their ability to make the transition from advocate to arbiter, on their ability to hear and consider all sides of an issue, and on their ability to put aside prejudice and bias.
 - b. **Industry.** Applicants must demonstrate a willingness to dedicate themselves to diligent, efficient, and thorough work. Work habits differ; work techniques vary; but rising court caseloads demand industry of judges. This means the ability to manage time efficiently, to persevere against obstacles, to prepare thoroughly and punctually, and to resolve issues concisely and decisively.
 - c. **Age.** A justice of the Supreme Court must be at least 30 years old. A judge of any other court of record must be at least 25 years old. Otherwise, there are no restrictions on the age of nominees to judicial office. Applicants should not be judged by their age alone. But they may be judged by the qualifications that may wax or wane with age: maturity, stability, legal skills, health, vitality.
 - d. **Juvenile Court Judges.** Juvenile court judges must deal with a very special segment of our society, our children. It has long been the policy in Utah to select judges for the juvenile court that demonstrate a special interest in, understanding of, and experience with the issues and problems facing children and families and the control of the crimes of juveniles.
 - e. **Trial Court Judges.** Substantial trial experience as an attorney, a judge, or both is

desirable. This includes the preparation and presentation of matters of proof in an adversarial setting for practicing attorney applicants, or the hearing, ruling and decision-making experience of a sitting judge applicant. However, litigation experience should not be overemphasized. The modern day trial judge must also be an able administrator and mediator.

- f. **Appellate Court Judges.** Because of the collegial decision making process on the appellate bench, it is important that judges be able to understand and respect differing opinions without personal rancor. A good appellate court judge should be able to give and receive criticism of opinions and arguments without giving or taking personal offense. Appellate court judges should have well developed research and writing skills and backgrounds with broad experience.
- g. **Diversity on the Bench.** When deciding among applicants whose qualifications appear in all other respects to be equal, it is relevant to consider the background and experience of the applicants in relation to the current composition of the bench for which the appointment is being made. The idea is to promote a judiciary of sufficient diversity that it can most effectively serve the needs of the community.

V. CANON 5 CODE OF JUDICIAL CONDUCT

A JUDGE SHALL REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO THE JUDICIAL OFFICE.

- A. A candidate for selection by a judicial nominating commission shall not engage in political activities that would jeopardize the confidence of the public or of governmental officials in the political impartiality of the judicial branch of government. A candidate for selection to a judicial office shall not:
 - 1. misrepresent the candidate's identity, qualifications, present position, education, prior experience or any other fact;
 - 2. make promises or pledges of conduct in office other than the faithful, impartial and diligent performance of judicial duties; or
 - 3. seek support or invite opposition to the candidacy because of membership in a political party.
- B. A judge or a candidate for a judicial office who has been confirmed by the Senate shall not:
 - 1. act as a leader or hold any office in a political organization;
 - 2. make speeches for a political organization or candidate or publicly endorse a candidate for public office;
 - 3. solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings or purchase tickets for political party dinners or other functions, except as authorized in Canon 5C; or
 - 4. take a public position on a non-partisan political issue which would jeopardize the confidence of the public in the impartiality of the judicial system.
- C. If a candidate for judicial office in a retention election or reappointment process has drawn active public opposition, the candidate may operate a campaign for office subject to the following limitations:

Instructions

1. The candidate shall not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office or misrepresent the candidate's identity, qualifications, present position, or other facts.
 2. The candidate shall not directly solicit or accept campaign funds or solicit publicly stated support, but may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign and to obtain public statements of support. Committees may solicit campaign contributions and public support from lawyers but must inform lawyers that their contribution or lack of contribution will not be known to the judge or candidate. Committees must not permit the use of campaign contributions for the private benefit of the judge or members of the judge's family.
 3. The candidate may speak to public gatherings on the candidate's own behalf.
 4. A candidate may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 5C(1).
- D. Judges and candidates for judicial office:
1. should maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage members of the judge's or candidate's family to adhere to the same standards of political conduct in support of the judge or candidate as apply to the judge or candidate;
 2. should discourage employees or officials subject to the judge's or candidate's direction and control from doing on the judge's or candidate's behalf what the judge or candidate is prohibited from doing under this Canon; and
 3. except to the extent permitted by Canon 5C(2), shall neither request nor encourage, and should not knowingly permit, any other person to do for the judge or candidate what the judge or candidate is prohibited from doing under this Canon.
- E. A judge shall resign from judicial office upon becoming a candidate for non-judicial office either in a primary or in a general election, except that the judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention.
- F. A lawyer who is an unsuccessful candidate for judicial office is subject to lawyer discipline for violations of this Canon pursuant to Rule of Professional Conduct 8.2.

APPLICATION QUESTIONNAIRE FOR JUDICIAL OFFICE

Please read this entire questionnaire and the accompanying instructions before completing the questionnaire. Begin answers in the space provided. If the space provided is insufficient, allow the word processor to wrap the text and repaginate document.

Court for which this application is being submitted: _____

County of Residence: _____

Please provide a brief statement explaining why you are seeking this judicial position.

PERSONAL IDENTIFICATION

1. Full Name: (First Middle Last) _____
2. Have you ever been known by any other name or surname? ____ If so, state all names used and the dates and places of use. Include name changes as a result of marriage.
3. Social Security Number: _____
4. Residence Address: _____

Telephone: _____
5. Business Address: _____

Telephone: _____
6. Are you a citizen of the United States? ____
7. If this application is for Justice of the Supreme Court, have you been a continuous resident of Utah for the immediately preceding five or more years? ____

If this application is for Judge of any other court of record, have you been a continuous resident of Utah for the immediately preceding three or more years? ____

State all residences you have had in the last ten years.

Street Address

City, State, Zip

Dates

8. Date of Birth: _____
9. Are you currently admitted to practice law in Utah? _____

EDUCATION

10. Show all post high school education other than law school.

**School Name
and Location**

**Dates of
Attendance**

Major

**Degree
Awarded**

11. a. Show all law schools you have attended.

**School Name
and Location**

**Dates of
Attendance**

**Degree
Awarded**

- b. Please list for the last five years any years in which you did not obtain the mandatory minimum of continuing legal education or judicial education credit hours.

12. Indicate any academic distinctions you have received.

ADMISSION TO PRACTICE LAW

Application

13. Show all jurisdictions, including Utah, in which you are or were admitted to practice law. Include the date of your admission and your identification number, if any.
14. Have you been entitled to practice law in each of the jurisdictions and before each of the courts listed in question 13 continuously from the date you first became entitled to practice until the date of this application? ____ If not, state jurisdiction involved, the dates during which you have not been so entitled, and the nature of and the facts surrounding the disqualification.
15. Have you ever been denied admission to practice law in any state? ____ If so, state the name of the jurisdiction and the reason for the denial.
16. a. Have you ever been disbarred, suspended from the practice of law, reprimanded, censured, or otherwise disciplined as an attorney in any jurisdiction? ____
- b. Are you aware of any formal disciplinary proceedings* currently pending against you as an attorney in any jurisdiction? ____
- * For purposes of this question, a "formal proceeding" is one in which the complaint has survived initial screening and has been referred for disposition on the merits.
- c. Have you ever been held in contempt by a court or sanctioned by a court? ____
If you answered "yes" to any part of this question, state the jurisdiction in which the matter occurred, the date of the action, the citation and number of the case, the facts of the case, and the disposition of the matter.

JUDGESHIPS

17. Show courts on which you have sat as a duly appointed or elected judge.

State	Court	Dates	Reason for Termination	Nature of Jurisdiction
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18. Have you ever served as a judge pro tempore, court commissioner, arbitrator or quasi-judicial fact finder? ____ If so, please indicate the court or organization, the length of your appointment and the nature of the work.

Court/Organization	Dates	Nature of Work
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19. a. Have you ever been reprimanded, censured, suspended, removed from the bench, or otherwise disciplined as a judge in any jurisdiction? _____
- b. Are any formal complaints* currently pending against you, or has any disciplinary action ever been taken against you by the judicial conduct commission of any state? _____

* For purposes of this question, a "formal complaint" is one which has survived initial screening and has been referred for disposition on the merits.

If you answered "yes" to any part of this question, state the jurisdiction involved, the date of the action, the citation and number of the case, the facts of the case, and the disposition of the matter.

ELECTED OFFICES

20. Show any elected offices you have held other than as a judge as listed in question 17.

PRACTICE OF LAW AND OTHER EMPLOYMENT

21. Show all businesses, professions, or employment you have had or been engaged in, other than those positions listed in questions 17, 18, and 20, including periods of self-employment and the practice of law, since you were 21 years of age. List your current or most recent employment first. Employers listed may be contacted by the Judicial Nominating Commission or court staff.

Period of Employment	Employer Name and Address	Position Held	Immediate Supervisor	Reason for Termination
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22. Have you ever been discharged from employment or have you ever resigned from any employment after being told that your conduct or work was unsatisfactory? _____ If so, fully state the facts concerning the matter. For purposes of this question, "employment" does not include your retention by a client for the rendition of legal services.

23. Indicate the general character of your practice of law over the course of your legal career. Your answer should include, but is not limited to, the following:
- the courts in which you have practiced
 - the nature of cases you have handled

- the volume of cases handled in each case type
- the percentage of your time that has been spent in litigation
- the amount and type of actual in-court experience you have had - both in trials and in other appearances
- your appellate experience

SERVICE IN THE ARMED FORCES

24. Have you ever been a member of any branch of the armed forces of the United States? ____ If so, state the following:

Branch of Service: ____

Service Number: ____

Dates of Active Duty: ____

Rank at Separation: ____

Was your discharge other than honorable? ____ If so, explain:

LITIGATION AS A PARTY

25. Do you have any outstanding judgments against you? ____ If so, state the name and address of the creditor(s), the amount of the judgment outstanding, and the date, nature, and court of the judgment.
26. a. Have you ever been convicted of a criminal charge, whether or not later expunged, or are any criminal charges pending against you? (Do not include traffic offenses except for DUI, Reckless Driving, Failure to Stop at the Command of a Police Officer, Leaving the Scene of an Accident and Joy Riding.) ____
- b. Have you in your individual capacity ever been or are you currently a party to any civil litigation except for divorce? ____
- c. Have you ever been adjudicated as bankrupt or has a petition in bankruptcy ever been filed by you or against you either alone or in conjunction with others? ____
- d. Have you ever been or are you currently a defendant in a malpractice suit? ____

27. If you answered "yes" to any portion of question 26, state fully the name and location of the court, the case number, the names of the parties, the name and location of the law enforcement agency involved, the facts concerning the matter, the disposition of the matter including any sentence imposed, whether or not an appeal was taken or is pending, and the results of the appeal.
28. Are you currently the subject of an investigation which could result in civil or criminal action against you? ____ If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

MENTAL AND PHYSICAL HEALTH

29. Appendix A, Utah Code of Judicial Administration sets forth evaluation criteria for the selection of judges, including integrity, judicial temperament, diligence, and health. These criteria are reproduced as part of the introduction to this application form. Under these criteria, can you perform the duties of a judge with or without reasonable accommodation? ____ If "No," please offer additional detail as necessary.

PROFESSIONAL AFFILIATIONS

30. List the names and dates of membership of any professional organization of which you currently are a member, including bar associations. List any elected or appointed offices or committee memberships held within these organizations.

COMMUNITY AND CIVIC INVOLVEMENT

31. List the names and dates of membership of any civic or community organization of which you are currently a member. List any elected or appointed offices or committee memberships held within these organizations, and any other fact which you believe is significant.

PUBLICATIONS

32. List by title and publication any relevant articles you have published either as sole author or co-author.

REFERENCES

33. Letters of recommendation are not submitted by the applicant. The judicial nominating commission selects from among the references listed, and the commission or its staff contacts the references.
- a. List as a reference all lawyers adverse to you in litigation or negotiations or 20 such lawyers, whichever is less. Lawyers engaged in a non-adversarial practice, such as judges, law professors, and consultants, may omit the listing of adverse lawyers.

Name

Mailing Address (please include zip code)

- b. You may list any lawyer with whom you have had a substantial professional interaction within the previous two years. "Professional interaction" should be broadly interpreted with emphasis on the identification of opposing counsel as references. "Substantial interaction" should be interpreted to include lawyers with whom you have had sufficient interaction that the reference can render an informed opinion regarding your abilities as a lawyer and judge. This may include lawyers in your law firm, opposing counsel in contested cases, and counsel for opposing parties in business or other negotiations outside of contested cases.

Lawyers engaged in a non-adversarial practice, such as judges, law professors, and consultants, *must* list at least 20 references under this question.

Name

Mailing Address (please include zip code)

34. **TO BE COMPLETED BY PRACTICING ATTORNEYS, NOT BY SITTING JUDGES.**

- a. List five recent cases on which you have been counsel. For each case, indicate the judge who was assigned the case and the opposing counsel, and any information which might help the judge and attorneys remember your court appearance. **PLEASE DO NOT CONTACT JUDGES OR COUNSEL.**

Case Name	Judge	Opposing Counsel(Name/ Address)
Additional Information		

Case Name	Judge	Opposing Counsel (Name/ Address)
Additional Information		

Case Name	Judge	Opposing Counsel (Name/ Address)
Additional Information		

Case Name	Judge	Opposing Counsel (Name/ Address)
Additional Information		

Case Name	Judge	Opposing Counsel (Name/ Address)
Additional Information		

- b. You may list up to three other judges who know you. State the nature of the association. These can include such relationships as co-participants on committees and other projects, former law partners, neighbors, etc. You may also include judges before whom you have practiced in cases other than those indicated in (a) above. If you include judges before whom you have practiced, include under "nature of relationship" a case name or other information which will help the judge remember your court appearance. **PLEASE DO NOT CONTACT THE JUDGES.**

Judge

Court

Nature of Association

35. TO BE COMPLETED BY SITTING JUDGES, NOT BY PRACTICING ATTORNEYS.

- a. List five recent cases over which you have presided as judge. (For trial judges, the cases must actually have gone to trial or other evidentiary hearing; for appellate judges, the cases should be calendar A cases. Do not include cases which are under advisement or on which your work is otherwise not completed.) List the counsel for the plaintiff and defendant. PLEASE DO NOT CONTACT COUNSEL.

**Case
Name**

**Plaintiff's Counsel
Name and Address**

**Defendant's Counsel
Name and Address**

- b. List three judges who know you and indicate the nature of the association. PLEASE DO NOT CONTACT THE JUDGES.

Judge

Court

Nature of Association

36. Is there any fact not set forth in your answers that in your opinion might be relevant to your qualifications to serve on the court for which you have applied or that could reflect either positively or negatively upon your candidacy for judicial office? ____ If so, state fully the facts concerning the matter.
37. I understand that submission of this application expresses my willingness to accept appointment to the position for which I have applied. _____
(Initials)
38. I understand that by submitting this application I am consenting to investigations concerning: verification of education, criminal charges and law enforcement investigations, credit information, court records, judicial and attorney disciplinary proceedings, any employers or references listed, and verification of any other information listed herein. _____
(Initials)
39. I hereby state that the answers to all questions contained in this application are true to the best of my knowledge and that knowingly providing false information may subject me to removal from office. _____
(Initials)

Date: _____

Signature of Applicant: _____

Waiver

Subscribed and sworn to before me this ____ day of _____, 19__.

Notary Public

My commission expires: _____

Applications should be sent to: Administrative Office of the Courts
 Attention: Judicial Nominations
 450 S. State Street, P. O. Box 140241
 Salt Lake City, Utah 84114-0241

The Administrative Office of the Courts cannot be responsible for applications not received. A notice of receipt showing any deficiencies in the application will be mailed to all applicants. Inquiries should be directed to Marilyn Smith at the Administrative Office of the Courts at the above address or by telephone 578-3824.

WAIVER OF RIGHT TO REVIEW THE RECORDS IN THE NOMINATION AND APPOINTMENT PROCESSES

I, _____, the undersigned applicant for the position of judge of the _____ Court, hereby waive any right which I may enjoy by virtue of state or federal statute, rule, regulation, or other law to review the records of the Utah Judicial Nominating Commission, the Utah Governor's Office and the Utah State Senate as they pertain to nominations for and appointment to this position.

(Date)

(Signature)

State of _____

} ss.

County of _____

Subscribed and sworn to before me this ____ day of _____, 19__.

Notary Public

My commission expires: _____

Waiver

WAIVER OF CONFIDENTIALITY OF RECORDS

I, _____, the undersigned applicant for the position of judge of the _____ Court, hereby waive the benefit of any state or federal statute, rule, regulation or other law prescribing the confidentiality of any records or documents, whether formal or informal, pending or closed, maintained by any public or private agency or organization as those records or documents pertain to citizenship, residency, age, credit, taxes, education, employment, mental or physical health, civil litigation, criminal litigation, law enforcement investigation, admission to the practice of law, service in the United States' armed forces, or disciplinary action by any judicial conduct commission or state bar association of any jurisdiction.

I hereby authorize and request every public or private agency, organization, or person maintaining such records to furnish to the Utah Judicial Nominating Commission, the Office of the Court Administrator, or their agents or representatives any information contained therein and to permit them to inspect and make copies of such records and documents.

I hereby release the Utah Judicial Nominating Commission, the Office of the Court Administrator, their agents and representatives, and any agency, organization, or person furnishing them information from all liability arising out of any investigation concerning this application.

(Date)

(Signature)

State of _____

$$\} \text{ss.}$$

County of _____

Subscribed and sworn to before me this _____ day of _____, 19_____

Notary Public

My commission expires: _____

Waiver

FAIR CREDIT REPORTING ACT DISCLOSURE AND AUTHORIZATION

When considering your application for judgeship, the Nominating Commission, as an agent for the state, will obtain and use a consumer report from a consumer reporting agency. A consumer reporting agency is any person or business that assembles or evaluates consumer credit or other information on individuals. A consumer report is any information from a consumer reporting agency which may bear on a person's credit worthiness, character, reputation or other information that might be used in an employment decision.

When the Nominating Commission obtains a consumer report, the information in that report will be used to make decisions that may directly and adversely affect you. You will therefore be provided with a copy of the consumer report before the Nominating Commission meets to make its final decisions. For additional information about your rights, you should review the Fair Credit Reporting Act or contact the Federal Trade Commission.

By signing below, you acknowledge an understanding of your and the Nominating Commission's rights under the Fair Credit Reporting Act. You voluntarily authorize the Nomination Commission to obtain consumer reports from consumer reporting agencies and to consider those reports in making decisions about your application for judicial office.

(Signature)

(Date)

**THE UTAH STATE COURT SYSTEM IS
AN EQUAL OPPORTUNITY EMPLOYER**

Appointments are made without regard to sex, age, race, creed, religion, national origin, ancestry, marital status, disability, or other non-job related criteria.

The Courts believe in equal opportunity principles. Consequently, we attempt to track our applicant flow for every recruitment. While your participation is entirely voluntary, your cooperation in providing this information is greatly appreciated.

Please fill out this sheet completely and return it with your application. **DO NOT** sign your name. This sheet will be removed from your application upon receipt. The information you provide is confidential and will **not** be used in the consideration of your application.

Position applied for: _____

Date: _____

Gender

- ‘ Male
- ‘ Female

Age

- ‘ 39 or less
- ‘ 40 and over

Ethnic Group:

- ‘ Asian/Pacific Islander
- ‘ Black (not of Hispanic origin)
- ‘ Hispanic
- ‘ Native American/Alaskan Native
- ‘ White (not of Hispanic origin)
- ‘ Other (please specify)_____